



*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons
Lacey Ragus*

October 7, 2020

Planning Commission Minutes -7:00PM

City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council unless otherwise noted.

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting.

You may also attend in person with limited seating available at both City Council Chambers and the Ben Robertson Community Center.

If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

City of Kennesaw is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: Oct 7, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86942151555?pwd=QWg1bG1FcGdWbngzU2NNNmZnSGJOUT09>

Meeting ID: 869 4215 1555

Passcode: 679306

One tap mobile

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**The next scheduled meeting of the Kennesaw Planning Commission
November 4, 2020 at 7:00pm**





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Find your local number: <https://us02web.zoom.us/j/kerQUWoTD6>

The meeting may be accessed using Facebook Live via the following link:

<https://www.Facebook.com/CityofKennesaw/>

I. Call Meeting to Order/Roll Call- Meeting called to order 7:02pm

Chairman Rhodes conducted audible roll call.

**Commissioners in attendance: Dog Rhodes, Cindi Michael, Dan Harrison, Phillip Jackson, Lacey Ragus
Don Bergwall (arrived late)**

Commissioners absent: SaVaughn Irons

II. Approval of minutes: September 2, 2020 Meeting- Cindi Michaels motioned to adopt minutes with no edits, second by Phillip Jackson. Audible vote motion passed 5-0

III. Public Hearing:

- **RZ2020-05 Variance request** consideration to approve reduction of stream buffer. Applicant Timothy Farmer owner of property located at 2810 Mack Dobbs Rd. Lot contains 1.06 acres. Applicant wishes to build another home and split property.

Mr. Simmons presented application request. Applicant Timothy Farmer presented pictures and explained the site conditions. Parcel contains a stream that requires encroachment to access back portion of Tract 2 that also involves a stream crossing. Property is zoned PUD-R as part of the Summer Stream and Summer Brooke neighborhoods. Mr. Farmer presented a brief history of property since he took possession in 2010. The existing home fronting Mack Dobbs was in disrepair and property owner was cited and given notices for the numerous code violations. The existing house was brought into compliance. Applicant discussed the proposed variance application in the past with city staff however due to the existing code violation status of property at that time, a variance application would not be accepted. Questions asked by Commission dealing with building placement hardship and design of home. Phillip Jackson asked about the access from Mack Dobbs. Mr. Farmer clarified there would be a thirty-foot crossing over the stream to access the back portion of property identified as tract two. Don Bergwall entered meeting via zoom program. Mr. Bergwall had questions regarding the City development standards chapter three that describes the purpose of the city stream buffer. Doug Rhodes asked applicant on the hardship of the request. Mr. Dan Harrison asked Mr. Simmons to summarize the staff recommendation. Mr. Simmons explained that due to factors that includes the necessity to cross

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stream, the property being regulated under the PUD-R development standards, the positioning of the building to meet the minimum size requirements and setbacks for PUD-R, that a hardship was demonstrated.

Mr. Simmons also stated that the property owner must still meet all the other development standards such as storm water runoff. The applicant clarified that the variance is specifically for the entire stretch of the eastern side of the stream for the placement of home and construction activity. The question was asked of staff if there were any questions or feedback from nearby residents. Mr. Simmons responded that the applicant had conversations with two property owners regarding the notification letters and that the residents did not have any issue with what he is proposing.

The Chairman opened the floor for public comment. No public comment.

Dan Harrison motioned to approve variance to reduce city stream buffer, second by Cindi Michael. Audible vote taken. Motion passes vote 5-1 with Don Bergwall voting no.

- **RZ2020-06 Variance request** consideration to approve reduction of stream buffer for East Park Development along Cherokee Street. Property located in 20th Dist. Landlot 99 parcel 60, 427 and 79. Subject property contains +/-38.09 acres. The multifamily builder will require encroachment into stream buffer to accommodate the parking areas and portion of building with associated grading.

Mr. Simmons presented application request. Mr. Simmons clarified the agenda item and the specific location of the encroachment required for the placement of the multifamily apartment building inside the limits of the 50 ft. city streambank buffer. The multifamily component is part of mixed-use development master plan that also incorporates townhomes, senior housing and apartments. The development reviewed as a DRI (Development of Regional Impact) due to the size and scope of the project. Mr. Simmons further clarified that the ninety notice letters sent out listed three parcels, two parcels that are under control of applicant and parcel 99 which is currently a city park property. The variance requested in this application deals with the encroachment on private property only and does not involve the city property. Staff received only one response and that was a letter of objection sent by Mr. Anderson, which will be entered into the record for the Planning Commission and Mayor and City Council review.

Garrison McMillan attended representing Tellus Partners. Dylan Lee representing the engineers Eberly and Associates and Chad Howie attended representing the master developer Sanctuary Properties.

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The applicant Mr. McMillan explained the issue with the number of revisions to the site plan in cooperation with city departments. Commission had questions regarding the stream buffer impact, the

possibility of reducing size of subject building causing the encroachment. Dylan Lee answered the environmental questions

Chad Howie, representing Sanctuary Properties, explained the challenges regarding the topography of site, past installations by Cobb County regarding existing infrastructure and the housing unit mix background for the overall development and clarified the type of stream that was present at this site is a wet weather stream, which is not an active waterway.

Stream was determined to be a wet weather stream and not an active stream waterway.

The Chairman opened the floor for public comment. No public comment.

Motion made by Phillip Jackson to approve the variance to encroach into the 50 ft city stream buffer. Second by Cindi Michael. Audible vote taken. Motion passed 6-0

- **RZ2020-07 Rezoning and Variance request** consideration to rezone properties zoned OI and LI to PBSH- Purpose Built Student Housing. Property located at 1320 Lockhart Dr. Properties contain 7.04 acres. Applicant York Acquisitions, LLC request two variances.
 1. Increase in bed density above the maximum 50 beds per acre. Increasing bed count from code maximum of 352 beds to 424 beds (+ 72 beds).
 2. Variance to allow main entrance access off local streets versus requirement for access to major collector or arterial road.

City staff presented the rezoning and variance applications. Mr. Simmons updated Commission on the request submitted by the attorney representing the applicant. Attorney Kevin Moore from Moore, Ingram Johnson and Steele requested to table both applications to the November 4, 2020 planning commission and the November 16, 2020 Mayor and Council meeting. Staff recommended that the commission accept the request.

The Chairman opened the floor for public comment.

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Mr. Ryan A. Lee made statement during public comment portion of the hearing. Mr. Lee has concerns about the variance request to increase the density given that this development is the first project to be reviewed under the newly adopted city zoning district standards for purpose built student housing.

Tjhere were no further public comments, the floor was closed.

Motion made by Don Bergwall and seconded by Phillip Jackson to accept the request to table both applications to the November hearing cycle. Audible vote taken. Motion passed 6-0

- **RZ2020-08 Rezoning request** Consideration to approve a rezoning request submitted by Xiue Sun for property located at 3461 Cherokee Street. Said request to rezone from City R-15 to City NRC (Neighborhood Retail Commercial) for property containing .397+/- acres for purpose of retail and or office use. Property identified as Land Lot 99, Tax Parcel 123.

City staff presented application. Mr. Simmons explained request by applicant to rezone and convert property to commercial use. Mr. Simmons updated commission on the status of Cherokee St. redevelopment as well as the transportation improvements for Cherokee Street. Questions from Commission members included time frame of converting property, responsibility by owner to comply with all adopted commercial standards, recourse by city if the applicant/owner does not initiate construction, Mr. Simmons answered questions. The property is subject to all the currently adopted codes for commercial development that includes parking, building codes, ADA requirements. Mr. Simmons updated the commission that the applicant was ill and could not attend the hearing even though the city staff provided zoom link.

Mr. Simmons clarified the surrounding zoning in the area.

Mr. Rhodes asked if this rezoning request could have a reversionary clause added as a condition in order to have a period to ensure redevelopment occurs. Mr. Simmons stated that the reversionary clause is very appropriate.

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The Chairman opened floor for public comment. No public comment, floor was closed

Cindi Michael motioned to approve rezoning request with condition that a reversionary clause be added that requires the property owner to obtain building permits and initiate construction within 24 months of rezoning approval from the City of Kennesaw. Failure to meet this condition will result in the property reverting to the original zoning of R-15. Seconded by Don Bergwall.

Audible vote taken. Motion passed 6-0

IV. Staff Comments- No comments by staff

V. Adjournment- motion to adjourn approved. Adjournment at 9:05pm

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